

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

ALVERT J. SMITH,)
Plaintiff,)
v.) **JUDGMENT**
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
No. 5:10-CV-219-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the parties' cross-motions for judgment on the pleadings and the memorandum and recommendation entered by the United States Magistrate Judge, to which defendant timely objected.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 2, 2011, and for the reasons set forth more specifically therein, that plaintiff's motion for judgment on the pleadings is granted and defendant's motion for judgment on the pleadings is denied. This case is remanded to the Administrative Law Judge for further proceedings consistent with the court's September 2, 2011 order.

This Judgment Filed and Entered on September 7, 2011, and Copies To:

Ashley Renee Maxwell (via CM/ECF Notice of Electronic Filing)
Craig B. Ormson (via CM/ECF Notice of Electronic Filing)
Royce B. Min (via CM/ECF Notice of Electronic Filing)

September 7, 2011

DENNIS P. IAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk